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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 854

February 16, 2009

Authored by Lesch

The bill was read for the first time and referred to the Committee on Commerce and Labor

March 26, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Civil Justice

April 14, 2009

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to consumer protection; limiting customer liability for unauthorized use
1.3 of lost or stolen cellular phones; proposing coding for new law in Minnesota
1.4 Statutes, chapter 325F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[325F.696] LIABILITY FOR UNAUTHORIZED USE OF CELLULAR**
1.7 **PHONES.**

1.8 Subdivision 1. **Liability limited.** A customer is not liable for cellular phone charges
1.9 imposed by a wireless service provider that result from the unauthorized use of the
1.10 customer's cellular phone. There is a rebuttable presumption that any use of a cellular
1.11 phone after the wireless service provider has been notified that the phone is lost or stolen
1.12 is unauthorized, provided that the customer agreed to suspend use of the wireless device.

1.13 Subd. 2. **Unauthorized use defined.** For purposes of subdivision 1, "unauthorized
1.14 use" means use by a person other than the customer who does not have actual, implied,
1.15 or apparent authority for the use.